

REMARKS

It is noted, with appreciation, that the Examiner has indicated that claim 4, although objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 has been objected to for the reasons set forth in paragraph 2 on page 2 of the Examiner's Office Action letter. Since the objection raised by the Examiner has been corrected, it is believed that this objection has been eliminated.

Claim 12 has been rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. This rejection is respectfully traversed.

As the Examiner will note, claim 12 has been amended in an effort to eliminate the formal rejections raised by the Examiner. In connection with the comments raised by the Examiner at the top of page 3 of the Office Action letter, since claim 11 defines the N sheet deposition locations as being an integer number which is either equal to or greater than 1, the fact that claim 12 refers to 2 sheet deposition locations does not make claim 12 inconsistent with claim 11. However, the Applicants are open to any claim language which will help clarify this problem for the Examiner.

Claims 2, 3, 5, 7 and 11 have been rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Zanders, U.S. Patent 3,721,435. Also, claim 8 has been rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Zanders in view of Gray, U.S. Patent 5,046,641. These rejections are respectfully traversed.

The present invention is directed to a flexible sheet deposition system for depositing sheets on a selected one of multiple supports facing a selected one of multiple sheet deposition locations. Drive means and control means are provided so that each support can be moved up

and down so as to face each sheet deposition location where the distance between adjacent supports can be adjusted. Advantageously, the flexible sheet deposition system of the present invention is provided with a plurality of supports which are detachable with respect to the position of the support along the guide member on which it is suspended. One of the most important features of the present invention, when it is considered in the light of the Zanders patent, is that each support can be detached from the guide member regardless of its position on the guide member.

The Examiner has objected to the recitation in claim 11 that, “each support can be detached from the guide members regardless of its position on the guide members.” (Emphasis added). It is the Examiner’s position that the folders (13) of the Zanders patent can be detached from the guide members (11 and 9), for example, by pulling off or breaking the rods (14) on which the supports (13) rest, to release such supports (13) from the Zanders device. Alternatively, the supports (13) can be pulled off or broken in order to detach such supports from the guides (11 and 9). The Examiner argues that claim 11 does not preclude damaging or breaking the supports (13) or any other parts of the Zanders device in order to detach the supports (13). Rather, the Examiner states that claim 11 requires that the supports (13) can be detached (emphasis added) from the guides (11 and 9). The Examiner also argues that Column 3, lines 31-37 of the Zanders patent discloses that the supports 13 are made of cardboard or the like material, which further supports the proposition that the supports (13) can be broken in order to detach them from the Zanders device.

As the Examiner will note, claim 11 has been amended to recite that each support can be detached from and repositioned on the guide members regardless of its position on the guide members. By adding the language “and repositioned on” to claim 11, the Applicants have attempted to solve the problem raised by the Examiner since if the support can be detached from and repositioned on the guide members, this would eliminate the possibility that the supports 13 can be pulled off or broken in order to detach such supports from the guides, as suggested by the Examiner on page 4 of the Examiner’s Office Action letter.

In addition, there is no suggestion in the Zanders patent that the supports 13 can be detached from the guide members 9 and 11 by pulling off or breaking the rods 14 on which the supports 13 rest to release such supports 13 from the Zanders device. Thus, in applying the teachings of the Zanders device to the present invention, the Examiner must reconstruct the teachings of this reference in view of the Applicants' own disclosure.

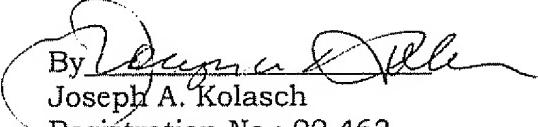
Because of the inherent deficiencies in the Zanders patent, the further reliance upon the Gray patent in connection with the rejection of claim 8 is untenable since claim 8, which is indirectly dependent from claim 11 is even more distinguishable from the Zanders and Gray patents for the reasons set forth hereinabove.

To reject the claims of the present application, the Examiner must make certain conclusions with respect to the Zanders patent which are not suggested in the Zanders patent but can only be made in the light of the Applicants' disclosure. Thus, the Examiner, using hindsight, is reconstructing the teachings of the references in view of the Applicants' own disclosure.

Accordingly, in view of the above amendments and remarks reconsideration of the rejections and allowance of all the claims of the present application are respectfully requested.

Respectfully submitted,

Dated: December 28, 2006

By 

Joseph A. Kolasch

Registration No.: 22,463

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant